

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

**Criminal Misc. No. M-41638 of 2017
Date of Decision:-07.12.2017**

Dildeep Singh

...Petitioner

Versus

Union Territory, Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Rajiv Sharma, Standing counsel for
the respondent-U.T. Chandigarh.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Dildeep Singh in the anticipatory bail application filed under Section 438 Cr.P.C. in case FIR No.214 dated 26.10.2017, under Section 306 IPC, registered at Police Station Maloya, Chandigarh, are that Vishal son of deceased Rajinder Kumar made a statement (Annexure P-1) before the police to the effect that his father Rajinder Kumar was working as Baildar with the Water Supply Department, local Municipal Corporation, Sector 27, Chandigarh and that the petitioner, who at the relevant time was posted as Junior Engineer, Municipal Corporation and immediate incharge of the deceased and due to

mental torture by the petitioner leading to the deceased being compelled to take some poisonous substance on 24.10.2017 resulted into his death on 26.10.2017.

The contentions of learned counsel for the petitioner are that it was the deceased Rajinder Singh, who had made his statement before the police, which is Annexure P-4 that it was due to inadvertent consuming some wrong thing, which resulted into food poisoning, which shows that the deceased was being unwell and counsel for the petitioner also highlights the fact that the said statement is duly countersigned by the son of the deceased complainant-Vishal. Thus the stand is contrary to the prosecution and the applicability of the allegations that the petitioner was instrumental in abetment of suicide by the deceased.

Though on behalf of U.T. Chandigarh, Mr. Rajiv Sharma, Advocate has stoutly opposed the grant of bail on the ground that the report of the FSL regarding the suicide note (Annexure P-3) is yet to be received and in view of the heinousness of the offence and that the custodial interrogation of the petitioner is very much essential but has not disputed the factual scenario which has been brought to the notice of this Court by the petitioner side.

After going through the submissions of two sides and keeping in view that it is duly admitted stand of the State that the deceased Rajinder Kumar had made statement (Annexure P-4) before S.I. Ram Rattan, who sought medical opinion with regard to recording statement of the deceased, countersigned by Vishal son of the deceased. The truthfulness and

reliability of the suicide note (Annexure P-3) is a debatable issue. In the light of the same it is apparently not a case of custodial interrogation and culpability, if any, shall be determined at the time of trial, the present petition stands allowed. In the event of arrest of the petitioner, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

December 07, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No